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In re application of

Karel Van Den Berg

Serial No. 09/993,961

Filed: November 27, 2001

For: A Method and Apparatus For Cleaning A Milk Line System:

**DECISION ON
PETITION**

This is a decision on the petition filed on May 09, 2005. The petition requests to vacate or expunge the notice of Non-Compliant amendment dated September 15, 2004 and the paper dated February 28, 2005 entitled "Failure to Acceptably Respond to Notice of Non-Compliant Amendment.

DECISION

The Instant PETITION is accepted as a petition under 37 CFR 1.181.

Applicant filed a response on January 18, 2005 to the notice of non-compliant amendment dated September 15, 2004. The Office on February 28, 2005 mailed to the applicant a "Failure to Acceptably Respond to Notice of Non-Compliant Amendment". No new time period for reply was provided to the applicant. Applicant asserts the file was not docketed because his secretary was unclear as to the deadlines for docketing.

The Office will grant a petition to restart the previously set period for reply to an Office action to run from the date of receipt of the Office action at the correspondence address when the following criteria are met:

(A) the petition is filed within 2 weeks of the date of receipt of the Office action at the correspondence address;

(B) a substantial portion of the set reply period had elapsed on the date of receipt (e.g., at least 1 month of a 2- or 3-month reply period had elapsed); and

(C) the petition includes

(1) evidence showing the date of receipt of the Office action at the correspondence address (e.g., a copy of the Office action having the date of receipt of the Office action at the correspondence address stamped thereon, a copy of the envelope (which contained the Office action) having the date of receipt of the Office action at the correspondence address stamped thereon, etc.), and

(2) a statement setting forth the date of receipt of the Office action at the correspondence address and explaining how the evidence being presented establishes the date of receipt of the Office action at the correspondence address.

Applicant has not provided evidence that meets the criteria stated above nor sufficient reasons as to why the notices of non-compliant should be vacated or expunged..

The petition is **DENIED**.

The application is abandoned.

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